

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION**

JOHN LAMAR BARNES, #336-955,	:	Case No. C-1-02-101
	:	
Plaintiff,	:	
v.	:	JUDGE SPIEGEL
	:	MAGISTRATE JUDGE PERELMAN
MATTHEW THOMAS, et al.,	:	
	:	
Defendants.	:	

**DEFENDANTS' RESPONSE TO PLAINTIFF'S
MOTION REQUESTING SUBPOENA**

On January 5, 2004, Plaintiff filed a motion with this Court seeking a subpoena for medical records from the Ohio State University Medical Center. He was requesting a copy of his medical records for a "post-op surgery" done on or about April 16, 2003. When defendants learned those records were not in his medical file, counsel requested and obtained the documents in question. The requested documents were then sent to Plaintiff on January 15, 2004. (Ex. A). Therefore, this issue is moot. Defendants seek an Order denying Plaintiff's motion as moot.

Respectfully submitted,

JIM PETRO
Attorney General of Ohio

s/MARIANNE PRESSMAN
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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was forwarded to Plaintiff, John Lamar Barnes, #336-955, Warren Correctional Institution, P.O. Box 120, Lebanon, Ohio 45036, by regular U.S. mail on this 17th day of February, 2004.

s/MARIANNE PRESSMAN
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